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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,619	10/31/2003	N. Ryan Moss	3052-5698US	9957

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TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110

EXAMINER

LEV, BRUCE ALLEN

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,619

Applicant(s)

MOSS ET AL.

Examiner

Bruce A. Lev

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

BRUCE A. LEV
PRIMARY EXAMINER

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

Claims 22-38 and 41 are rejected under 35 U.S.C. ***102(b)*** as being anticipated by ***Bartnicki 5,067,589***.

Bartnicki sets forth a platform assembly comprising a first assembly having a longitudinally extending member; a second assembly having a longitudinally extending member and being slidably coupled with the first assembly; and a catch device 18 associated with the first assembly and having a body portion projecting from a first surface and including a sleeve having shoulder sections/collar and flanges (inclusive of members 124 and 142) and forming an interference fit, wherein the catch extends through an opening in the first member; spacers (inclusive of members 42 and 76), the extending members having a polygonal cross-section including rectangular and being interleaved.

Claim Rejections - 35 USC § 103

Claims 39 and 40 are rejected under 35 U.S.C. ***103(a)*** as being unpatentable over ***Bartnicki***.

Bartnicki sets forth the platform assembly, as advanced above, except for the cross-section of the extending members being I-beam or dog-bone shaped. However, the examiner takes the position that no engineering advantages have been set forth and since other geometric would work equally as well, it would have merely been a

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design choice to form the extendible members as having cross-sections as being I-beam or dog-bone shaped.

Claims 1-9, 13, 14, 17, 18, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bartnicki in view of Salo et al 5,401,315**.

Bartnicki sets forth the platform assembly, as advanced above, except for the catch and stop member including pivoting members. However, **Salo et al teach** the use of catch and stop members including pivoting members 27 and 47. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the catch and stop members of Bartnicki by forming them as including pivoting members as taught by Salo et al, in order to provide means to more quickly and easily removably lock the extendible members in a desired length.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bartnicki in view of Salo et al further in view of Paterson et al 3,790,417**.

Bartnicki in view of Salo et al set forth the platform assembly, as advanced above, except for the extending members formed of composite materials including fiberglass and thermosetting resin. However, **Paterson et al teach** the use of extending members formed of composite materials including fiberglass and thermosetting resin. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the extending members of Bartnicki in view of Salo et al by forming them of composite materials including fiberglass and

thermosetting resin, as taught by Paterson et al, in order to reduce the weight and increase the strength of the extending members and thereby the platform assembly.

Claims 15 and 16 are rejected under 35 U.S.C. **103(a)** as being unpatentable over **Bartnicki in view of Salo et al.**

Bartnicki s in view of Salo et al set forth the platform assembly, as advanced above, except for the cross-section of the extending members being I-beam or dog-bone shaped. However, the examiner takes the position that no engineering advantages have been set forth and since other geometric would work equally as well, it would have merely been a **design choice** to form the extendible members as having cross-sections as being I-beam or dog-bone shaped.

Claim 19 is rejected under 35 U.S.C. **103(a)** as being unpatentable over **Bartnicki in view of Salo et al further in view of Taylor 3,765,509.**

Bartnicki in view of Salo et al set forth the platform assembly, as advanced above, except for the textured surface. However, **Taylor teaches** the use of a textured material upon the surface of a platform assembly. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the surface of at least one of the extending members of Bartnicki in view of Salo et al by including a textured surface, as taught by Taylor, in order to increase the frictional coefficient of the surface and thereby avoid slippage and increase safety.

Response to Amendment

Applicant's remarks filed December 20, 2004, have been fully considered.

As concerns remarks pertaining to the "catch device", the examiner takes the position that a spring pin and hole configuration can be viewed as a "catch device" since the hole "catches" the spring pin and functions to hold it and it's associated member(s) in place.

As concerns remarks pertaining to the functionality of the members, the examiner takes the position that the functionality of structural members alone do not qualify as patentable subject matter within an apparatus claim.

As concerns remarks pertaining to an "interference fit", the examiner reiterates the position that there is a degree of friction between the elongated members of Bartnicki and thereby qualifies as having an "interference fit".

As concerns remarks pertaining to the combination of Bartnicki in view of Salo et al, the examiner reiterates the position that Salo et al teach the use of catch and stop members and therefore it would have been obvious to modify the catch and stop members of Bartnicki by forming them as including pivoting members in order to provide means to more quickly and easily removably lock the extendible members in a desired length.

As concerns remarks pertaining to the combination of Bartnicki in view of Salo et al further in view of Paterson et al, the examiner reiterates the position that Paterson et al teach the use of extending members formed of composite materials including fiberglass and thermosetting resin. Therefore, it would have been obvious to modify the

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extending members of Bartnicki in view of Salo et al by forming them of composite materials including fiberglass and thermosetting resin in order to reduce the weight and increase the strength of the extending members and thereby the platform assembly.

As concerns remarks pertaining to the combination of Bartnicki in view of Salo et al further in view of Taylor, the examiner reiterates the position that Taylor teaches the use of a textured material upon the surface of a platform assembly. Therefore, it would have been obvious to modify the surface of at least one of the extending members of Bartnicki in view of Salo et al by including a textured surface in order to increase the frictional coefficient of the surface and thereby avoid slippage and increase safety.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

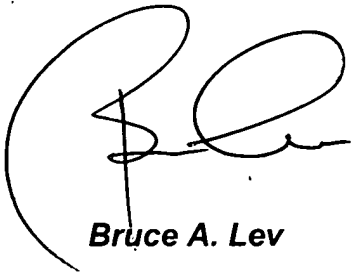
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce A. Lev whose telephone number is (703) 308-7470.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

January 24, 2005

A handwritten signature in black ink, appearing to be 'B. Lev', with a large, stylized initial 'B' and a horizontal line extending to the right.

Bruce A. Lev

Primary Examiner

Group 3600